

### REMARKS AND ARGUMENTS

Reconsideration of the application is requested.

Claim 5 is now in the application. To facilitate prosecution of the instant application claims 1-4 have been cancelled and the features of those claims have been incorporated into new claim 5.

In item 2 under Claim Rejections – 35 USC 112 on page 2 of the above-identified Office action, claims 1-4 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner states that in claim 1 it is not clear how when the time window is closed that messages from the data sources can be received by the data sinks and in claim 2 how the reception window can be “above” a physical device such as a data sink.

In combining the features of claims 1-4 into new claim 5, the language, among other things, now recites “closing the time window by transmitting a S.sub.ON message to the data sources (DQ) by the data sinks (DS) and simultaneously opening a reception window for receiving data messages when the time window is closed.” It is believed that the claim language addresses and obviates the Examiner’s remarks regarding claims 1 and 2 by reciting that the reception window is simultaneously opened for receipt of data messages when the time window is closed and by deleting “above.”

Support for these changes may be found in the original claims and on page 1, line 27 to page 2, line 4 of the specification of the instant application.

It is accordingly believed that claim 5 meets the requirements of 35 U.S.C. § 112, second paragraph. The above noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes do not narrow the scope of the claim for any reason related to the statutory requirements for a patent.

In item 4 on page 3 of the above-identified Office action, claims 1-3 have been rejected as being unpatentable over Pittas et al. (US 5,296,936) (herein "Pittas") in view of Takahara et al. (US 5,477,542) (herein "Takahara") under 35 U.S.C. § 103(a).

In item 5 on page 4 of the above-identified Office action, claim 4 has been rejected as being unpatentable over Pittas in view of Takahara et al. (US 5,477,542) (herein "Takahara") and further in view of Garcia-Luna-Aceves et al. (US Pat. Pub. 2002/0091846 A1) (herein "Garcia") under 35 U.S.C. § 103(a).

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found in the original claims of the instant application and page 2, lines 19-34 of the instant specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 5 calls for, *inter alia*, a method for ensuring the same order of messages in a plurality of data sinks (DS), by:

providing a time window in a plurality of data sinks for collection of data messages from data sources (DQ);

**closing the time window** by transmitting a S.sub.ON message to the data sources (DQ) by the data sinks (DS) **and simultaneously opening a reception window** for receiving data messages when the time window is closed;

**closing the reception window** by transmitting a S.sub.OFF message to the data sinks (DS) by the data sources (DQ);

**transmitting a consecutive token number to the data source** (DQ) with the S.sub.ON message from the data sinks (DS); and

**sending the token number back to the data sinks** (DS) with S.sub.OFF messages from the data sources (DQ), **whereby a new data source is synchronized into a current operation.** (emphasis added)

The present invention relates to a method to ensure the same order of messages in a plurality of data sinks with identical message content from different data sources by synchronization of the data sinks. The data sinks transmit a Son message to the

data sources for the purpose of closing a time window which collects the messages, so that a reception window is simultaneously open. This provides a transmit enable sending the next data messages to the connected data sinks. The length of the reception window being open is determined by a Soff message transmitted to the data sinks by the data sources. It is only when the Son messages from all the connected data sinks have been received that the reception window is closed. The cycle then begins anew. To identify the cycle, a consecutive token number is transmitted to the data sources with the Son message from the data sinks and is sent back to the data sinks with the Soff message from the data sources. This enables a newly connected data source to be synchronized into the current operation.

Pittas discloses a data communication apparatus and method for transferring blocks of data. The apparatus includes workstations 18 coupled together so that the receiver port 14b of each is driven by data and control signals from an upstream server 12. Handshaking signals generated by each of workstation output ports 20 may be directed upstream to the server 12 or workstation 18.

Clearly, Pittas does not show **“closing the time window** by transmitting a S.sub.ON message to the data sources (DQ) by the data sinks (DS) **and simultaneously opening a reception window** for receiving data messages when the time window is closed; **closing the reception window** by transmitting a S.sub.OFF message to the data sinks (DS) by the data sources (DQ); **transmitting a consecutive token number to the data source** (DQ) with the S.sub.ON message from the data sinks

(DS); and **sending the token number back to the data sinks (DS)** with S.sub.OFF messages from the data sources (DQ), **whereby a new data source is synchronized into a current operation**” as recited in claim 5 of the instant application.

The Examiner acknowledges that Pittas is deficient and does not disclose a window for data messages being sent when the time window is closed, and that Pittas does not disclose token number being transmitted with the messages. The Examiner proposes to overcome the deficiencies of Pittas by relying on the secondary references of Takahara and Garcia, respectively.

Takahara discloses a system for providing multimedia communication between two terminal stations, one on the receive side and one on the transmission side. The receive side issues a data transmission mode change request to the transmission side as a function of certain video information received from a switching network. The other terminal station changes its transmission mode in response to a transmission mode change request, so that when the delay generated in the arrival interval exceeds a predetermined threshold value, transmission is stopped and the operation mode communicates only certain data, in this case voice data.

There is no clear disclosure in Takahara of closing a time window and simultaneously opening a reception window. Takahara appears to disclose providing selected data transmission within the same window, the only difference being in the data transmitted. Therefore, it is submitted that relying on Takahara to overcome the

deficiencies of Pittas would not result in a method step of “**closing the time window** by transmitting a S.sub.ON message to the data sources (DQ) by the data sinks (DS) **and simultaneously opening a reception window** for receiving data messages when the time window is closed” as recited in claim 5.

Moreover, it is submitted that the Examiner has not shown sufficient reason why one would even want to combine Takahara with Pittas. There is no apparent problem or technical issue in Pittas that warrants closing a time window and opening another window. The Examiner’s only basis for combining Pittas and Takahara is hindsight reconstruction of the prior art in view of applicants claimed invention.

Claim 5 recites “transmitting a consecutive token number to the data source (DQ) with the S.sub.ON message from the data sinks (DS); and sending the token number back to the data sinks (DS) with S.sub.OFF messages from the data sources (DQ), whereby a new data source is synchronized into a current operation”, which is not disclosed in Pittas or suggested by Garcia.

Garcia discloses tree-based ordered multicasting, wherein message ordering is performed using multicasting a message from each source node to receivers and delivering messages at end hosts according to an agreed upon sequence of numbers. While Garcia discloses sending sequence numbers to an ordering node, there is absolutely no good reason indicated as to why one would want to combine Garcia with Pittas in the first instance. Merely because claimed elements are known in the prior art is not sufficient basis for arbitrarily selecting a feature and adding it to

the primary reference. Moreover, there is not disclosure or suggestion that the sequencing in Garcia would result in synchronizing a new data source in the current operation as recited in claim 5.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 5. Claim 5 is, therefore, believed to be patentable over the art.

In view of the foregoing, reconsideration and allowance of claim 5 is solicited.

In the event the Examiner should still find claim 5 to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to Deposit Account Number 12-1099 of Lerner Greenberg Sterner LLP.

Appl. No. 10/533,313  
Amdt. dated 10/27/08  
Reply to Office action of 8/1/08

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

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